IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JOSE TRUJILLO, individually and on behalf of all others similarly situated,

Plaintiff,

v.

APPLE COMPUTER, INC., a California corporation and AT&T MOBILITY LLC, a Georgia corporation,

Defendants.

CASE NO.: 07-CV-04946

Judge Kennelly

DECLARATION OF JENNIFER HAKES IN SUPPORT OF APPLE'S MOTION FOR SUMMARY JUDGMENT

I, Jennifer Hakes, declare as follows:

1. I am employed by Apple Inc. ("Apple") as a Public Relations Program Manager in Apple's Public Relations group. I make this declaration in support of Apple's Motion for Summary Judgment in the above-captioned matter. I have personal knowledge of the facts stated in this declaration and I could and would testify competently to them if called upon to do so.

2. On July 5, 2007, I spoke by telephone with May Wong, a reporter from the Associated Press, regarding the release of the iPhone and the Battery Replacement Program.

3. On July 5, 2007, the Associated Press reported that "Apple spokesperson Jennifer Hakes said Thursday the company posted the battery replacement details [for the iPhone] on its web site last Friday after the product went on sale." The AP report was picked up and published on a number of news sites on July 5 and July 6, 2007.

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4. The statement attributed to me in the AP report does not accurately reflect my conversation with Ms. Wong. I did not state that the Battery Replacement Program was put into effect after the release of the iPhone or that the details regarding the Battery Replacement Program were posted after the release of the iPhone. When I spoke with Ms. Wong, I did not know precisely at what time on June 29, 2007 that the disclosures were posted, and, therefore, could not have stated that the Battery Replacement Program details were posted *after* the iPhone went on sale. I told Ms. Wong either that the Battery Replacement Program was put into effect on June 29, 2007, or that it was put into effect when the iPhone was released.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed at Cupertino, California on July 23, 2008.

___/s/ Jennifer Hakes__________________
Jennifer Hakes